



**Georgia Dept
of Early Care
and Learning**

Origination 11/20/2020

Effective 9/23/2022

Last Revised 9/23/2022

Area **Memo: Civil
Rights**

Programs **CACFP, SFSP**

Civil Rights Complaint Procedures (v.5)

Purpose

The purpose of this memorandum is to provide guidance to institutions and sponsors participating in the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP) of Civil Rights Complaint Procedures. The document has been revised to include updated links to the USDA Program Discrimination Complaint Form. The memorandum supersedes DECAL's guidance, *Civil Rights Complaint Procedures*, dated November 20, 2020.

Legal Authority

FNS Instruction 113-1

Cross Reference

DECAL Policy Memorandum, *Requirements for Institutions Providing Civil Rights Training to Frontline Staff*, November 20, 2020

Program Requirements

Institutions participating in the Child and Adult Care Food Program (CACFP) and Happy Helpings, Georgia's Summer Food Service Program (SFSP) are required to be in compliance with Title VI of the Civil Rights Act of 1964. As such, organizations are prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Any person has the right to file a discrimination complaint. A Civil Rights Complaint must be based on one of the following:

- Race,
- Color,

- National origin,
- Sex (including gender identity and sexual orientation),
- Disability,
- Age, or
- Reprisal or retaliation for prior civil rights activity in any program.

Program complaints of discrimination can be filed by completing the USDA Program Discrimination Complaint Form, (AD-3027) found online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf> (English);

[https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish Form 508 Compliant 6 8 12 0.pdf](https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish%20Form%20508%20Compliant%206%208%2012%200.pdf) (Spanish), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form.

To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
2. fax: (202) 690-7442; or
3. email: program.intake@usda.gov.

The complainant must file the complaint within 180 days from the alleged act of discrimination.

CACFP and/or SFSP complaints of discrimination to Bright from the Start: Georgia Department of Early Care and Learning (DECAL) Nutrition Services may be submitted verbally, by phone, in writing, by email or anonymously. Complaints received shall be forwarded to DECAL's Civil Rights Compliance Officer(s) within five (5) business days of receipt.

Upon receipt of the complaint, the CR Compliance officer will complete the CACFP and/or SFSP Record of Complaint Received form, which documents the following information:

- Date received,
- Complaint received by, name, address and telephone number or other means of contacting the person alleging discrimination,
- Name, address and phone number of the institution, site or office that is accused of the discriminatory practices,
- Owner/Director, of the institution or office that is accused of the discriminatory practices,
- Nature of the incident or action or the aspect of program administration that led to the person to allege discrimination,
- Basis for the alleged discrimination,
 - Refer age complaints to FNS Civil Rights Division (FNS-CRD)*

- Record of Response,
- Record of Action/Follow-up (if applicable), and
- Comments.

Within five (5) business days after receipt of the complaint, DECAL will forward the completed Record of Complaint (and a copy of the original complaint if the complaint was submitted in writing) to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, fax: (202) 690-7442, email: program.intake@usda.gov. *Please Note: Federal regulations implementing the Age Discrimination Act of 1975 require that **all** complaints alleging violations of the Act be referred for mediation. DECAL will forward all complaints alleging unlawful discrimination on the basis of age, regardless of whether other bases are alleged, to FNS-CRD within 5 working days after receipt. FNS CRD will refer the complaint to the Federal Mediation and Conciliation Service (FMCS) for mediation within 10 calendar days of initial receipt. DECAL will participate in mediation on a good faith basis to resolve complaints alleging unlawful discrimination on the basis of age, in accordance with 45 CFR § 90 and 7 C.F.R. § 15c(7)(d). The representative designated by DECAL to participate in mediation must be a neutral party. A person named in the complaint is not a neutral party.

All complaints, regardless of the originating office, shall be processed and closed within 90 days of receipt. A decision letter shall be sent to the complainant that contains: the jurisdictional authority, a statement of each allegation and the applicable regulation, if an investigation is warranted, the methodology of how the complaint was investigated and the conclusions. Each letter to complainants will include their appeal rights to the Assistant Secretary for Civil Rights.

DECAL will maintain a copy of any correspondence regarding the complaint for at least four years after the date DECAL is notified that the complaint is closed.

Comments

For questions regarding this policy memo, please contact the Nutrition Division Civil Rights Compliance Officers: Tamika Boone at (404) 656-6292 or Sonja Adams at (404) 463-2566.